

I. INTRODUCTION

The Division of Public Welfare within the Guam Department of Public Health and Social Services is responsible for administering the Temporary Assistance for Needy Families (TANF) Program. This state plan was developed in accordance with the Personal Responsibility and Work Reconciliation Act of 1996 and agrees to comply with the TANF provisions mandated by (Public Law 104-193) and applicable federal laws, regulations and provision of the state plan. Guam's TANF program conforms to the provisions of Guam's Public Assistance programs as originally funded under Title IV-A of the Social Security Act (Aid to Families with Dependent Children, Old Age Assistance, Aid to the Blind, and Aid to Permanently and Totally Disabled).

Guam's TANF plan is state administered and provides services in all political subdivisions (Villages) within the Territory of Guam.

Goals

The goals of the Guam TANF program are to move families to self-sufficiency (to include employment and receipt of child support) within limited time frames; reduce the incidence of out-of wedlock births with emphasis on teen births and to improve job skills and retention rate of participants who enter the work force.

II. ELIGIBILITY

A. Application/Determination

1. Any person may apply for cash assistance. Action on the application is taken within 45-calendar days, except in unusual circumstances. The Bureau of Economic Security (BES) determines eligibility. However, as a condition of eligibility, a client who is determined a work eligible individual will be subject to *Pay for Performance* participation and must complete the *Pay for Performance* work task within the 21 calendar day period established by the Division of Public Welfare, JOBS Program, before a family can be determined eligible to receive cash assistance. If a client does not cooperate in completing the work task the family will not be eligible and the application for cash assistance will be denied. A notice of action will be generated by the BES section.
2. TANF benefits will become effective the first month following authorized eligibility by BES and the completion of JOBS Program's work requirements. Application for cash assistance will be denied if the work requirement activity is not completed. During times of National and/or local Public Health Emergency Declarations, the Work Programs Section may temporarily suspend this requirement and may allow for the receipt of benefits effective the month of approval.

3. Guam completes a review of eligibility at least every 12 months.

B. Conditions of Eligibility

1. *Required documents:*

- a. Cash assistance for an eligible child can only be provided when all necessary documents are provided.
- b. Acknowledgement of Responsibilities (AOR) on the program application must be signed by the head of household as a condition to receive cash assistance and non-assistance supportive benefits.

The AOR includes the expectations that the head of household and/or household member are responsible to meet as a condition to receive benefits, inclusive of the sanctions that may be imposed for failing to comply with the provisions of the AOR and Individual Responsibility Plan (IRP).

2. *School Attendance:*

A family receiving assistance who does not comply with the school attendance requirements has failed to comply with the terms of the AOR and will be sanctioned when an adult fails to ensure that the minor dependent child (ren) attend school.

3. *Child Support Requirement:*

- a. If any parent or caretaker relative in the household applying for or receiving TANF, fails to cooperate and assist the Child Support Enforcement Office (CSEO) in establishing paternity or in seeking child support, the entire household is ineligible for TANF and SNAP (Supplemental Nutrition Assistance Program, formally known as Food Stamps Program) benefits.
- b. Cooperation and non-cooperation will be determined by the Child Support Enforcement Office (CSEO) except when the client indicates non-cooperation on the TANF application or redetermination form and the Eligibility Specialist (ES) is determining or has determined good cause exists for not cooperating. Clients will not be required to cooperate when good cause determination is pending or established.

C. Populations Served

1. Families:

Families must contain at least one eligible child under the age of 18, or under the age of 19 if attending secondary school full time, or in the equivalent level of vocational or technical training. Families are composed of one parent or two parents, or child with a relative caretaker.

The dependent child must be living with a relative who is applying for benefits on the child's behalf or other related caretaker may choose to be included in or excluded from the assisted family unit if they have insufficient funds to support themselves. They must maintain a home and exercise responsibility for the care and supervision of the child. However, the relative or other related caretaker must submit a legal court document in order to apply for assistance on the child's behalf. The court document will validate the relationship and care between the child and the relative or related caretaker. A notarized document is not a valid legal document for the purpose of meeting eligibility requirements when applying for benefits on the child's behalf.

The family relationship must be as follows:

- a. Father, mother, brother, or sister;
- b. Grandfather or grandmother
- c. Uncle or aunt;
- d. Nephew or niece;
- e. First cousin, first cousin once removed; or
- f. Stepfather, stepmother, stepbrother or stepsister.

Relationship extends to the:

- a. Spouse of the listed relatives even after the marriage is terminated by death or divorce;
- b. Degree of great-great for relatives listed in items c and d; and
- c. Degree of great-great-great for grandparents (item b)

Both natural and adoptive relationships may be used to establish a relationship. If a child is legally adopted, natural relatives as defined in this section may apply for benefits on the child's behalf as a needy or non-needy caretaker. When the natural

parent(s) of the child resides in the same household, they are required members unless otherwise ineligible or the child for whom benefits are requested has been legally adopted. The adoptive relationship determines required members.

2. *Minor Parents:*

Unmarried minor parents, under the age of 18, and their children living with them will be assisted only if residing with their parent(s), legal guardian or other adult relative, or in an adult supervised arrangement as identified in section 408(a)(5) of the Social Security Act.

An unmarried minor parent must live with a natural/adoptive parent, other adult relative caregiver, or in an adult supervised supportive living arrangement. If the minor parent meets one of the good cause provisions set by the territory, the requirement of living with a parent, other adult relative caregiver, or in an adult supervised supportive living arrangement does not apply. When a minor parent alleges good cause for not living with their parent(s), a caseworker determines the appropriateness of the living arrangement.

Good Cause Provision includes:

1. The individual has no living parents;
2. The parent(s)' whereabouts are unknown;
3. No parent will allow the minor to reside with him or her, unless the sole reason is his or her income affects the minor's eligibility;
4. The physical or emotional health or safety of the minor or their child would be in jeopardy if they live with the minor's parents;
5. The minor has lived apart from their parent(s) for at least one year prior to the birth of their child and has not applied for TANF during that same period; or
6. There is "good cause" for the minor not residing with their parent(s) as determined by the caseworker and approved by the Bureau of Economic Security Administrator for any other reason not listed.

Families headed by unmarried parents under the age of 19 are not eligible to receive benefits unless he/she is enrolled in and attending full-time, an elementary or secondary school, vocational or technical school equivalent to a secondary school, or an approved alternative educational program (to include GED programs); or participating in the JOBS program and signs the "Teen Parent Personal Responsibility Plan". Exception: a minor parent with a child under 12-weeks of age is exempt from this requirement.

3. *Temporary Absence from the Home:*

Assistance for a child may be continued if the child is temporarily absent from the home for a period not to exceed two (2) months, unless the prolonged absence is for medical purposes, in which case the ES shall evaluate the child's continued eligibility for benefits on a case-by-case basis.

4. *Non-Citizenship Status:*

The territory provides TANF to "qualified aliens" who arrived in the country before August 22, 1996. A qualified alien who enters the United States on or after August 22, 1996, is not eligible for a Federal means-tested public benefit for a period of five years except those immigrants who are refugees, asylees, Cuban/Haitian entrants, those granted withholding of deportation, victims of severe forms of trafficking, those who are Armed Forces veterans or on active duty including their spouses and unmarried dependent children, and certain Amerasian immigrants. Households with children born in the United States to non-citizen parent or parents and meet all criteria for TANF eligibility, shall be limited to only sixty (60) months of cash benefits.

5. *Drug Felon Conviction Status:*

On July 12, 2023, Bill No. 20-37 (COR) was signed into law as Public Law No. 37-24 which authorizes access to federal public assistance programs to individuals with felony drug convictions. Under the option of the 1996, Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA); Guam opted out of disqualifying individuals with drug felony convictions. These individuals can apply and be determined eligible to receive TANF assistance.

D. Verifications

Guam verifies established eligibility criteria through the Income Eligibility Verification System (IEVS), National Directory of New Hires (NDNH), State Wage Information Collection Agency (SWICA), the Systematic Alien Verification Entitlements (SAVE) and review of documentation.

1. *Residence:*

- a. Families assisted by the Guam TANF program must be residents of the Territory of Guam. Guam will treat families moving into the island the same as other families under the program.

- b. The Agency shall not impose any durational residency requirements. A fixed residence is not required. Nor shall residency require the intent to reside permanently on Guam.
- c. Persons in a project area solely for vacation purposes, shall not be considered residents.

III. TANF PROGRAM

Guam administers a program which serves the Territory in a uniform manner, provides benefits to needy families with dependent children and provides parents and needy relative caregivers with job preparation, work opportunities and supportive services to enable them to leave the program and become self-sufficient.

Needy Family:

A needy family is defined as a family consisting of children who are living in the home of a parent or relative caretaker, unless removed from that home by judicial determination and whose income and resources are below the standards applied.

A. Orientation and Assessments:

- a. The L.A.T.T.E. (**L**everaging **A**ssistance **T**owards **TANF** **E**ngagement) provides TANF families information on program requirements and expectations while they are under assistance as well as the various support services offered such as transportation/work related reimbursement, child care assistance and secondary education support. These support services are simultaneously offered while participants engage in allowable employment training activities that lead these individuals to employability and self-sufficiency with more marketable job skills.
- b. Families and individuals needing temporary assistance will be assessed to identify financial needs. Benefits will be granted only after an applicant meets the financial and non-financial eligibility criteria.
- c. Determination for job readiness of a parent or relative caretaker will be contingent upon fulfillment of the following conditions:
 - i. Education, skills, and training;
 - ii. Physically, mentally, and medically ready for job available;
 - iii. Child Care and Transportation can be provided for.

B. Program Model

1. Cash Assistance

A. Needy Family:

A case consists of members of a needy family and a household of at least one Work Eligible Individual. This type of case provides cash assistance. “Assistance” is defined as cash payments and other forms of benefits provided to assist to cover a family’s ongoing basic needs such as food, shelter, clothing, etc. It includes supportive services such as childcare, transportation and other support services for families that are not employed.

B. Child Only:

A case in which the eligible dependent child resides with a relative caretaker who is not receiving cash assistance. Categories include relative caregivers and ineligible adult(s) with citizen child (ren).

Households with children born in the United States to an ineligible non-citizen parent or parents and meet all criteria for TANF eligibility, shall be limited to only sixty (60) months of cash benefits. Only basic needs will be provided to eligible minor children in a non-citizen parent household.

2. Supportive Services:

“Non-Assistance” is defined as supportive services to families that are employed such as:

- a. Transitional Child Care (TCC) for families whose TANF was terminated due to income/employment. TCC will be funded for a period of 12 months from the date of TANF Termination.
- b. Transportation reimbursement for families who are participants of the JOBS program and whose TANF was terminated due to income/employment will be funded for a period of 6 months from the date of TANF termination.
- c. Education and training including tuition assistance for the individual to complete his/her Adult High School Diploma or General Equivalency for up to 12 months from the time the individuals TANF was terminated.
- d. Transitional Employment Services which encompasses job retention services or post-employment follow-up services. These services can be provided to a client who chooses to continue receiving cash assistance for an additional six months from the month effective the month cash assistance would have been

terminated due to employment/income. This will allow families sufficient time to adjust and transition from unemployment to employment.

3. *Child Care Services:*

Child care will be provided to eligible TANF families receiving cash assistance and not employed but engaged in a work activity. Transitional child care is also provided as a supportive service to families transitioning from cash benefits as a result of earned income. Guam incorporated the Child Care Development Fund (CCDF) State Plan and the Supportive Services Plan in administering the TANF program.

4. *Non-Recurrent Short-Term Benefits for Disaster Relief:*

Non-recurring, emergency assistance benefits may be provided to assist eligible families whose family income is equal to or less than 200% of the federal poverty guidelines. Non-Recurrent Short Term Benefits (NRSTB) will be available to meet an extraordinary episode of need that arises as a result of an emergency, natural disaster, crisis type situation. As per the provisions at 45 CFR 286.10(b)(1), non-recurring, short-term benefits must meet the following criteria:

- Be designed to deal with a specific crisis situation of need (as may include government declared disasters, mandatory evacuation, etc.);
- Are not intended to meet recurrent or ongoing needs; and
- Will not extend beyond four-months.

Non-Recurrent Short-Term Benefits for Stabilization:

NRSTB Stabilization funds will be provided for families who are new or re-open case(s) coming into the TANF/JOBS program as a method to stabilize the family and provide for their immediate needs upon entry and to assist participants to meet work training components as required under Guam's TANF Pay for Performance (PFP) structure.

IV. BENEFITS

TANF benefits will become effective the first of the month following authorized eligibility by the Bureau of Economic Security and completion of JOBS Programs work requirements. Application for cash assistance will be denied if JOBS Program activities are not completed within a 45 calendar day period. A Notice of Action will be generated by the Bureau of Economic Security. Benefit payments are made in the following situations and conditions such as Payments are made for the entire month to a family which met all of the eligibility conditions for any portion of the month, provided the family was eligible on the date the payment was authorized and payments for eligible child can only be given when all necessary documents are provided.

A. *Income and Earnings*

1. *Standards of Benefits:*

The income eligibility limitation for Guam's TANF program is determined by comparing the assistance unit's monthly gross income against 185% of the Basic Needs Standard table. If the TANF household's income exceeds the basic needs standard amount, the case is not eligible.

Standard of Benefits is in accordance with the "Ratable Reduction" provision as defined in Guam's Public Assistance Eligibility and Payment Manual:

- a. Adult Programs (Old Age Assistance (OAA), Aid to the Blind (AB), and Aid to the Permanently and Totally Disabled (APTD)) benefits will be paid at one hundred percent (100%) of the authorized amount; and
- b. TANF program benefits will be paid at seventy-five percent (75%) of the authorized amount.

2. *Income:*

The following incomes are not to be counted:

- a. Earned income in-kind;
- b. Earnings from the sale of whole blood or plasma;
- c. Lump sum income (earned or unearned), but will be counted as a resource;
- d. Earned income of minor children below 18 year and full-time students;
- e. Earned income from subsidized programs such as WIOA funded programs, AmeriCorps VISTA, etc;
- f. Other types of income, if specified by federal or local law that such income is not to be considered when applying for various types of federal assistance.
- g. Census Income
- h. Any subsidy received from Guam Housing Urban Renewal Authority.

Non-recurring lump sum payments are any payment(s) received in a month, from a source that is not likely, in the foreseeable future, to make additional lump sum payments to the applicant/recipient.

Count lump-sum payments as income in the month received if it is received or anticipated more often than once a year.

Exempt lump-sum payments received once a year or less, unless specifically listed as income. Count as a resource in the month received.

B. Resources/Assets

The resource eligibility for Guam's TANF program is \$2,000

Excluded Property includes:

1. One vehicle for a one (1) parent household, two vehicles for a two (2) parent household. All other vehicles shall be evaluated at the Fair Market Value (FMV) and that portion of the value that exceeds the current Supplemental Nutrition Assistance Program (SNAP) vehicle disregard shall be attributed in full toward the household's resources level, regardless of any encumbrances of the vehicles.
2. Bona fide funeral agreements for each member of the TANF unit and one (1) burial plot for each member of the TANF unit.
3. Real property/lot that the household currently owns in which they intend to build or are building a permanent home.
4. Real property that annually produces income even if only used in a seasonal basis. Such real property shall include rental homes and vacation homes. Other examples include land being used for farming, fishing boats, taxis, etc. shall be excluded as a resource, but the income will be countable income.

C. Earned Income Disregards

The ES shall apply the following earned income disregards when determining the benefit amount for the assistance unit.

1. Work Expense Disregard:

- a. Deduct \$120 from the gross income and then deduct 1/3 of the remaining income for full-time and part-time employment.

2. Child Care and Incapacitated Adult Care Disregards:

Apply the dependent care disregards to the earned income for the actual child care cost for each dependent up to the maximum.

- a. The maximum amount for dependent care of a child under age two (2) is \$200.00.
- b. The maximum amount for dependent care of a child age two (2) and above is \$175.00.

- c. The disregard for dependent care can be applied to the earned income for care of an incapacitated adult in the wage earners assistance unit for the actual cost up to \$175.00.
- d. For part-time employment, ES shall apply the disregard for dependent care at 50% level cost incurred for items indicated above; or
- e. Other disregards as provided by relevant state/local and federal law.

In order to be eligible for the dependent care disregards, the recipients shall provide verification of expenses incurred.

D. Extended Medicaid Benefit

A former TANF assistance unit may remain eligible for Medicaid for 12 months beginning with the month following the last TANF grant, when:

- a. Ineligibility was due to increased earnings or increased hours of employment and;
- b. The assistance unit received a TANF grant for at least three (3) of the six (6) months preceding the extended Medicaid coverage.
- c. Member of the assistance unit remains employed during the 12 months extended Medicaid coverage.

E. Benefits for Pregnant Women

Cash Assistance benefits will not be provided to women who are pregnant with their first child. However, if they are qualified for TANF, they will receive Medicaid coverage only for the duration of their entire pregnancy. Once the child is born, the woman and her child may be eligible to receive cash assistance and continuation of medical assistance.

F. Family Benefit Cap

- 1. There is no increase in cash assistance benefits for the birth of additional children after the assistance unit begins to receive cash assistance benefits. No additional children shall be eligible for cash assistance upon reopening a case. However, for new applicants who are pregnant from the date of application, once the child(ren) are born, the child(ren) will be eligible for cash assistance and any child subsequently born thereafter will not be eligible because the child(ren) would have met the family cap. In the case of a new applicant with multiple children born in a single birthing event, all children will be eligible.

2. New household compositions through marriage or love unions shall be treated as consolidated or one household where all income in the household will be counted. This includes individuals presenting themselves as married/partners (legally or common-law). The children of each spouse/individual would make up the new household and may be eligible for cash assistance provided they meet these two conditions (refer to illustration).
 - a. That none of the parents met their 60 month time limit on TANF.
 - b. The children have not previously met the family cap. However, no additional new births or other child(ren) shall be eligible.

G. TANF Time Limit

1. Cash assistance will be temporary with a 60 months lifetime limit except for families or individuals experiencing hardship situations and/or domestic violence. Hardship conditions include those who are aged, disabled, and those families with disabled children. No more than 20% of the average monthly number of families receiving TANF assistance may be exempted from the 60-month time limit due to a hardship or good cause.
2. If one adult/parent has met their 60 months lifetime limit on TANF, the household will be ineligible for TANF regardless if there is a new household composition through marriage or love unions.

H. Electronic Benefit Transfer Restrictions

1. Guam will ensure that TANF funds cannot be used in any electronic benefit transaction in any liquor store; casino, gambling casino, or gaming establishments; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment.
2. A list of establishments selling liquor; any casino, gambling casino, or gaming establishments; or any retail establishment which provides adult-oriented entertainment in which performers disrobe or perform in an unclothed state of entertainment will be obtained semi-annually from the Department of Revenue and Taxation. These establishments will be informed of the requirements and signs will be posted in their facilities. Although, signs will be posted in these facilities, contracted retailers that are part of the Merchant Category Classification (MCC) will block clients from using EBT cards in liquor stores, casinos and adult entertainment establishments.

3. Guam will work with the Department of Revenue and Taxation to provide these establishments with the requirements upon issuance of the business license.
4. Guam will work with the National Automated Clearing House Association (NACHA) to prohibit retailers from participating in EBT. NACHA will assist states in preventing TANF funds from being accessed at Automated Teller Machine (ATM) and Point of Sale Device (POS) terminals located in liquor stores, casinos and adult entertainment establishments.
5. Guam will work with the EBT processor to participate in the MCC blocking. MCC is used to classify the business by the types of goods and services it provides. Transactions that originate based on the merchant's MCC which are blocked will not be processed. Contracted retailers that are part of the MCC will block clients from using EBT cards in liquor stores, casinos and adult entertainment establishments.
6. Guam will ensure that retailers and recipients will be informed of the banned purchases/activities and also will require recipients to sign an attestation that they will not use the benefits for inappropriate transactions and if they do they could lose the benefits.
7. The retailers will be informed of the banned purchases/activities through public information drive like media releases in the newspaper and radio.
8. TANF recipients will be informed of the new requirements at the time of certification/recertification by providing them with a flyer of the banned purchases/activities and will be required to sign an attestation that they will not use the benefits for inappropriate transactions.
9. TANF recipients will also be informed of where they can use their Guam EBT card through the Guam's Quest Card flyer issued to clients when obtaining new/replacements Quest cards and also through public information drive. Three of Guam's major banks are authorized to transact cash assistance. These three (3) major banks have 110 branches and ATM machines spread out around the island, which is sufficient for Guam's small island.
10. Guam will ensure that Sec. 2113, Chapter 2 of the Guam Code Annotated will be strictly enforced and will work with the legislators to amend this law or introduce a bill to cover the other establishments.
11. Guam will ensure that TANF recipients will have adequate access to their cash assistance and will not be charged fees by retailers. Current Quest Operating rules do not place a limit on the amount of the cash back portion of a POS transaction or Cash Only from a Cash Account Transaction. Guam recipients are not charged

fees getting cash out from retailers. The Issuance Section Staff are able to provide technical assistance to clients when they have problems accessing their benefits.

12. Guam will also ensure that TANF recipients will be charged minimal fees when withdrawing from ATM machines. No other fees or surcharge may be imposed on the Cardholder as a condition of accepting a card and no Surcharge maybe imposed with respect to an ATM transaction unless the Cardholder is given prior on-screen notice. Guam's ATM machines inform clients on their screen that there is a transaction fee for each withdrawal.

13. The above information will be posted in the Department of Public Health and Social Services website.

V. REPORTING REQUIREMENTS

A. Action on Change Reports

A household is required to report when his/her household's total gross monthly income exceeds the 130% of the Federal Poverty Level gross income limit. The household is also required to submit a Periodic Change Report on the sixth month of the certification period to report the information from the fifth month.

The ES shall take action on all changes reported by client within ten (10) calendar days from the date the change was reported. Even if there is no change in benefit amount, the ES shall document in the casefile and notify of the effect of the change, if any, on the benefit amount. The ES shall also document the date a change is reported, which shall be the date the ES receives a change report form or is advised of the change over the telephone or by home visit. Restoration of lost benefits shall be provided to a household if the ES fails to take action on a change reported within the specified time frame.

B. Changes which will Increase Benefits

For changes which increased a household's benefits, other than changes described below, the ES shall make the change effective no later than the first benefits issued ten (10) calendar days after the date the change was reported to the agency. For example, a \$30.00 decrease in income reported on the 15th of May would increase the household's benefits for June. If the same decrease was reported after the cut-off, for example, in May 28, and the household's normal issuance cycle is June 1, the household's benefits would be increased in the July benefit issuance.

Verification must be obtained prior to the issuance of the monthly benefits after the change was reported. The household must provide the needed verifications within ten (10) calendar days in order for the ES to make adjustments for the following month. If

the verification is submitted after the ten (10) calendar day time frame, the household's benefits will change on the second issuance month. If in these circumstances the household does not provide verification, and the ES adjusts the household's benefits to reflect the change, and subsequent verification shows that the household was actually eligible for reduced benefits, the ES shall establish a claim for the overpayment. In cases where the ES has determined that a household has refused to cooperate, the ES shall terminate the household's eligibility following the notice of adverse action.

C. Changes which will Decrease Benefits

If the household's benefit level decreases or the household becomes ineligible as a result of the change, the ES shall send a notice of adverse action (BES Form 90-001), within ten (10) calendar days from the date the change was reported.

D. Failure to Report Changes

If the ES discovers that the household failed to report a change, and as a result, received benefits to which they are not entitled, the ES shall file a claim against the household. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if the household's benefits are reduced. Individuals shall not be disqualified for failure to report a change, unless the individual is disqualified in accordance with the Administrative Disqualification Hearing procedures.

VI. WORK AND TRAINING ACTIVITIES

Guam will promote work and self-sufficiency by working with public, private and community based organizations (i.e. non-profit organizations) to improve the employability of individuals by providing job preparation workshops, trainings and other allowable work activities.

The Work Programs Section within the Department of Public Health and Social Services currently has a Memorandum of Understanding (MOU) with the American Jobs Center (AJC) Core Partners. This MOU formulated the American Jobs Center (AJC) for employment services where the agencies network services for the economically and educationally disadvantaged individuals. These services focus on developing economic self-sufficiency. The Work Programs Section will continue to be responsible to assess, evaluate and review existing resources to improve program services.

Guam will require an Individual Responsibility Plan (IRP) from those individuals subject to mandatory job requirements. Guam will develop a policy requiring recipients to sign an IRP within 60 days of receipt of benefits.

A. Work Eligible Individual definition

A work eligible individual is an adult (or minor child head of household) receiving assistance under TANF or a separate State program or a non-recipient parent living with a child receiving such assistance unless the parent is:

1. A minor parent who is not the head of household
2. A non-citizen who is ineligible to receive assistance due to his or her immigration status, or, at state option on a case-by-case basis, a recipient of Supplemental Security Income (SSI) benefits.

In addition, the term excludes some parents, whether they are recipients or not:

A parent providing care for a disabled family member living in the home, if there is medical documentation to support the need for the parent to remain in the home to provide that care.

B. Head of Household definition

A dependent child's parent or the spouse of the parent, or the dependent child's nonparent relative caretaker or spouse of the nonparent relative, who receives cash assistance for himself and on behalf of the dependent child or only on behalf of the dependent child.

C. Work Requirements

Guam will continue to ensure that parents and relative caretakers receiving assistance under the program meet the work eligible definition and will engage in work activities in accordance with Section 407 of P.L. 104-193, and 45 CFR Part 260, Subpart C, Section 261.30; TANF; Final Rule and the JOBS Program Work Verification Plan.

Guam will continue to require a parent or relative caretaker receiving TANF benefits under the program, who after receiving assistance for two (2) months and is not exempt from work activities, to participate in community services employment or other work activities.

Work Participation is required of any individual that is receiving TANF and meets the work eligible definition.

Teen Parent that meets the definition below; must attend an educational activity directed towards the attainment of a high school diploma or General Equivalency; in order to continue receiving assistance:

- a. below the age of 19;
- b. not the head of household but is a member of the TANF household;

- c. is not married;
- d. has a minor child at least 12 weeks of age in his or her care;
- e. does not have a high school diploma or GED; and
- f. resides with parent, legal guardian or adult relative or non-relative or in an adult supervised setting.

A Teen Parent who is the head of household and receives assistance meets the work eligible definition and therefore must participate in an allowable work activity.

Single parent families with child(ren) – must work a minimum of 32.5 average hours per week

- a. At least 27.5 average hours must be attributable to required core work activities. No more than five (5) of the relevant minimum hours may be attributable to any of the non-core activities such as education related to employment, high school (or equivalent), or job skills training activities. Above 27.5 hours per week may be attributable to non-core activities.
- b. A single custodial parent or caretaker relative will count as engaged in work if he/she participates for at least an average of 32.5 hours per week.

Two-parent families – both adults must work a minimum of 32.5 hours per week

- a. Both adults in a two-parent household are required to participate in an allowable work component 6.5 hours per day or 32.5 hours per week/per parent (unless there is a child less than 6 months of age). One parent will not be required to participate until the child reaches the age of 6 months and 1 day. The parent who is not exempted will be required to work 40 hours per week for the household. Once the child turns 6 months and 1 day, then the parent who was the relative caretaker of that child is now required to participate in an allowable work component. Each parent will be responsible for completing or making up his/her own required hours or face disqualification. However, on a case by case basis and with Work Programs Supervisor's approval, if one parent needs to remain at home, then the other parent will work 8 hours per day or 40 hours a week
- b. At least 30 hours of the combined two-parent hours must be attributable to required core work activities (and one parent must complete 27.5 of those core hours); the remaining minimum hours may be attributable to non-core activities.
- c. If receiving federally funded child care assistance and not caring for a disabled adult or child, the two-parent family must work a combined average of 55 hours per week. No more than five (5) of the relevant minimum hours may be attributable to non-core activities.

D. Countable Core Work Activities

1. Unsubsidized Employment;
2. Subsidized Private & Public employment;
3. Work Experience;
4. On-the-Job Training;
5. Job Search and Job readiness assistance activities are limited to six (6) weeks in the preceding 12 month period, which is equivalent to 120 hours for single parents with children below the age of six (6) and 180 hours for all others; but no more than four (4) consecutive weeks and up to six (6) weeks total in a year;
6. Community Service Programs;
7. Vocational Educational Training not to exceed 12 months;
8. Providing Childcare Services to an individual who is participating in a Community Service Program.

E. Non-Core Work Activities

After an individual meets the basic level of participation, the following non-core activities may count toward the total work requirement hours of work:

1. Job skills training directly related to employment;
2. Education directly related to employment;
3. Satisfactory attendance at a secondary school or in a course of study leading to a certificate of general equivalency.

F. Training for Elder Health Care Professionals

The Bureau of Economic Security, may provide, but is not limited to the following work activities: specific education, training and employment activities intended to assist individuals in obtaining experience in careers found in the eldercare workforce.

G. H.A.T.S.A. Program

The term H.A.T.S.A. is the acronym for **H**elping **A**chieve **T**ANF **S**uccess through **A**ctions derived from the Chamorro language which means to “raise up, build or build up.” The concept is to “build” the skills or lay the foundation for TANF recipients that would increase their marketability in the private sector.

This career pathway program is designed to provide educational and hands on training for TANF participants to improve or learn new skills in industry demand occupations. In addition, this “fast track” training program is created to improve employability of TANF clients by providing resources for career and technical training as funds permit.

VII. GOOD CAUSE PROVISIONS

When a required participant fails to participate, Guam will contact the individual to determine if good cause exists. Good cause reasons may include but are not limited to:

1. Experiencing domestic violence. Guam will assess and identify individuals during the eligibility determination process, who are experiencing domestic violence and will be exempt from the 60 month time limit due to an immediate threat to his/her own safety or the safety of his/her child(ren);
2. The Work Eligible Individual (WEI) is caring for a dependent that has a disability as supported by medical documentation;
3. The participant's or family's illness;
4. Age and temporary disability;
5. Single custodial parent with child(ren) under the age of 6 who have demonstrated inability to obtain needed childcare are not subject to a sanction for one or more of the following reasons:
 - a. Appropriate child care within a reasonable distance from the home or work site is unavailable;
 - b. Informal child care by a relative or under other arrangements is unavailable;
 - c. Appropriate and affordable formal child care arrangements are unavailable, and;
6. Minor parent who is not the head of household.

VIII. SANCTIONS

A. Denial of benefits to strikers

TANF benefits are denied to persons participating in a strike. Also, benefits are denied to any family for any months in which a caretaker relative with whom the child is living on the last day of such month participates in a strike. Caretaker relative means any natural or adoptive parent.

B. Denial of Benefits for Fraudulent Misrepresentation of Multiple Benefits

Any individual who misrepresents residency in order to receive TANF, Food Supplement Benefits, and Medicaid shall be subject to a 10-year bar if convicted in a state or federal court.

C. Fraud Under Means-Tested Welfare and Public Assistance Programs

If an individual's benefits under Federal, State, or local law relating to means-tested welfare or a public assistance program are reduced because of an act of fraud, the individual may not, for the duration of the reduction, receive an increase in Food Supplement Benefits as a result of the reduction in public assistance benefits.

D. Work Participation Requirements

Penalties for failing to comply with the work requirements will be imposed. The entire household will become ineligible to participate in the TANF program only when any member fails to comply with the work requirements without good cause. However, the household will continue to receive SNAP and Medicaid.

The household or the individual may not regain eligibility until the end of the disqualification period. However, when the disqualified household or individual meets exemption criterion for participation requirements, and is otherwise eligible to receive TANF, that household or individual may resume participation during the disqualification period.

The minimum disqualification periods are as follows:

First Non-compliance = 3 months
Second Non-compliance = 6 months
Third Non-compliance = Permanent

The individual designated as head of household at the time of work program violation continues to be considered head of household and may change only at the time the household is re-certified for participation.

The disqualified member shall be ineligible to participate in TANF for the remaining period of the disqualification even when that member moves and becomes head of another household.

IX. CLIENT RIGHTS

A. Administrative Appeal Process

The document shall set forth objective criteria for the delivery of the benefits and the determinations of eligibility and for fair equitable treatment, including an explanation of how Guam will provide opportunities for clients who have been adversely affected to be heard in an administrative or appeal process.

An applicant must meet all the financial and non-financial eligibility criteria before receiving services or cash assistance. Cash assistance is provided equitably to households with adults and children in accordance to Guam's need standard set for each household size.

B. Fair Hearing

1. Notification of Right to Request for a Hearing:

The household shall be informed in writing of its right to a hearing during program orientation, interviews, and when its eligibility/benefit is denied, reduced or terminated,

or during a denial or delay of a replacement issuance. The household shall be informed of the method by which a hearing may be requested, and that its case may be presented by legal counsel, a relative, friend or other persons. Whenever the household expresses to the eligibility specialist (ES) or Work Programs Staff (WPS) that it disagrees with an action, the ES or WPS Staff shall remind the household of its right to request a fair hearing. The household shall be informed of the availability of free legal representation.

2. *Time Period for Requesting a Fair Hearing:*

- a. The Agency shall provide a notice of adverse action to the household at least 10 calendar days prior to the effective date of the agency's action to terminate or reduce its benefits.
- b. For collection of overpayment purposes, a demand letter must be provided to the household at least 30 calendar days prior to the collection action.
- c. The household shall be allowed to request for a fair hearing on any action by the agency or loss in benefits which occurred in the prior ninety (90) days. Action by the agency shall include a denial or a request for restoration or any loss of benefits more than one (1) year prior to the request. In addition, anytime within a certification period, a household may request a fair hearing to dispute its current levels of benefits.

3. *Request for a Fair Hearing:*

- a. A request for a hearing is a clear expression, oral or written, by the household or its authorized representative that the household wants the opportunity to present its case to a higher authority. The household shall complete the appropriate "Request for a Fair Hearing" form (DPW89-2).
- b. If it is unclear from the household's request what action the household wishes to appeal, the eligibility specialist will request the household to clarify its grievance. The right to make a request for a hearing shall not be limited or interfered with in any way.
- c. TANF cases terminated or disqualified for non-compliance with JOBS Program work requirements will not be granted continuance of TANF benefits pending the fair hearing decision. However, TANF cases will continue their benefits under SNAP and Medicaid.

4. *Timely Action on Hearings:*

The agency must take final administrative action whereby a fair hearing is conducted, a decision is reached, and the household is notified of the decision in writing within ninety (90) calendar days from the date of the hearing request for financial assistance.

5. Request for Postponement of Hearing:

The household may request a postponement of a hearing in writing or via phone not to exceed thirty (30) calendar days and the time limit for action on the decision may be extended for good cause as many days as the hearing is postponed.

C. Agency Conference

The agency shall:

1. Offer agency conferences ten (10) calendar days prior to the fair hearing scheduled date, to any household or applicant who wishes to appeal an action or contest a denial of benefits and to any household adversely affected by an agency action.
2. Advise all households that use of an agency conference is optional and that it will in no way delay or replace the fair hearing process.
3. The agency conference shall be attended by the Program Representative(s) such as Eligibility Specialist, Eligibility Specialist Supervisor (ESS), the household and/or its representative.
4. An agency conference may lead to an informal resolution of the dispute. However, a fair hearing must still be held unless the household completes and submits to the agency a "Withdrawal of Request for a Fair Hearing" form (Form 340A).

D. Attendance at Hearing

The hearing shall be attended by the program representative(s) and by the household and/or its representative. The hearing may also be attended by friends or relatives of the household if the household so chooses. The hearing official shall have the authority to limit the number of persons in attendance at the hearing if space limitation exists.

If the Fair Hearing request is based on action taken on the JOBS or GETP related requirements, a representative from JOBS or GETP shall participate in the hearing.

E. Rights of the Household

The household or its representative must be given an opportunity to:

1. Examine all documents and records (case file included) to be used before and at the hearing. Confidential information such as the names of individuals who have disclosed information about the household without its knowledge or the nature or status of pending criminal prosecutions must be protected from release;
2. Present their case or have it presented by legal counsel or other person;

3. Bring witnesses;
4. Present arguments without undue interference;
5. Question or refute any testimony or evidence, including an opportunity to confront and cross-examine witnesses; and
6. Submit evidence to establish all pertinent facts and circumstances in the case.

F. Hearing Decisions

1. The decision of the hearing authority shall comply with local and federal law and regulations and shall be based exclusively on evidence introduced at the hearing.
2. The record must be maintained for a period of one (1) year after the right to appeal has elapsed and must consist of:
 - a. The recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing;
 - b. All documents filed in the proceeding; and
 - c. The recommendation or decision of the hearing officer.
3. This record shall also be available to the household or its representative at any reasonable time for copying and inspection.
4. A decision by the hearing authority shall be binding on the agency and shall:
 - a. Summarize the facts of the case;
 - b. Specify the reasons for the decisions; and
 - c. Identify the supporting evidence and the pertinent local and federal regulations.
5. The household shall be notified in writing of:
 - a. The decision;
 - b. The reasons for the decision;
 - c. The available appeal rights;
 - d. Whether the household's benefits will be issued or terminated as decided by the hearing authority;

- e. That an appeal may result in a reversal of an unfavorable decision; and
- f. The right to pursue judicial review of an unfavorable decision and that a reversal of the decision may result in the restoration of lost benefits to the household.

X. CONFIDENTIALITY

Guam shall take reasonable steps as deemed necessary to restrict the use and disclosure of information about individuals and families receiving assistance under the TANF program as mandated by federal and local law. The Guam TANF program requires that all employees sign a statement that they understand that all TANF applicants have a right to complete and full confidentiality relative to any matters related to their participation in the TANF program. Said agreement also states that any violations of this policy will/may result in immediate termination of their employment.

XI. TEEN PREGNANCY PREVENTION STRATEGIES

The Department of Public Health and Social Services will continue with its existing Family Planning Project which is set up to reduce unintended, unplanned, and unwanted pregnancies. Men, women and adolescents will be provided with educational information and contraceptive devices to plan and space the birth of their children. The project provides clients comprehensive health care and takes action to prevent and reduce the incidence of out-of-wedlock pregnancies. The Guam DPHSS Maternal Child Health (MCH) Program provides family planning as a component of their services to those without any type of insurance or medical coverage. Teen Pregnancy prevention is addressed in family planning education. Other community partners that partake in teen pregnancy prevention strategies include but not limited to:

- The Guam Department of Education (GDOE) schools conduct teen pregnancy education and awareness to male and female students via Health Education classes as well as presentations conducted by school nurses.
- Sanctuary Incorporated of Guam is a private, non-profit community-based organization that provides critical social services to youth and their families as an alternative to the juvenile justice system for runaway, homeless, neglected, and abused youth ages 11 through 18 years. Teen pregnancy prevention is addressed by licensed counselors during group sessions. In addition to the residential population, groups are also composed of the youths' family members and non-residential community members.

The Department will also continue with its Teen Parent Program to assure that teen parents stay in school and develop a personal plan toward employment and self-sufficiency.

XII. PREVENTION PROGRAMS FOR SEXUAL VIOLENCE

The Attorney General's Office, through the Prosecution Division's Family Abuse and Sex Crimes Unit (FASC), conducts twice-yearly training with the Guam Police Department on statutory rape. Training by prosecutors in the FASC unit is conducted with the officers on procedures within the law. The Victim-Witness Ayuda Services (VWAS), an advocacy unit within the Attorney General's Office, and Child Protective Services (CPS) conducts island-wide training at all the public elementary schools once a year about improper sexual conduct by adults and other students. CPS also provides training to school administrators on Mandatory Reporting. The adult and juvenile prosecutors within the Attorney General's Office prosecute adult and juvenile offenders of statutory rape.

The Guam Victim Advocates Reaching Out (VARO) organization conducts education and awareness presentations addressing *statutory rape* to middle and high school students. During the SY2018 and SY2019, these presentations were conducted to male and female students at the Guam Department of Education's (GDOE) Success Academy, the Guam Department of Youth Affairs, Guahan Academy, and Guam High School. However, these presentations have been suspended due to Guam's COVID-19 public health emergency status.

DPHSS plans to connect with the local law enforcement such as the Guam Peace Officer Standards and Training (POST) Commission to explore developing a training curriculum that addresses teen pregnancy and statutory rape for Guam's Peace Offices. The mission of the Guam POST Commission is to establish and set minimum standards for the training, hiring, ethical conduct, and retention of Peace Offices for the Territory of Guam.

XIII. MAINTENANCE OF EFFORT (MOE)

The following is a list of all Guam's MOE expenditures. Guam uses the same TANF eligibility criteria (noted on page 1-10) for all provision of services, whether using MOE or TANF funds.

TANF administration: Costs associated with the administration of the TANF program, including payroll and benefits, systems, development and maintenance, ongoing program capacity development and training.

TANF assistance: Monthly TANF assistance benefits, including child care and transportation costs, provided to income-eligible TANF program participants.

Non-Recurrent Short-Term Benefits (NRSTB): In response to disaster or stabilization crisis needs Guam will provide the two types of NRSTB for eligible families.

- Be designed to deal with a specific crisis situation or episode of need (as may include government declared disasters, mandatory evacuation, etc.)
- Are not intended to meet recurrent or ongoing needs; and
- Will not extend beyond four months.

CERTIFICATIONS

Guam operates the Temporary Assistance for Needy Families (TANF) Program. The program will continue to ensure that children are cared for in safe and healthy surroundings; reduce and minimize dependence of needy parents on governmental assistance by promoting personal responsibility and work; prevent and reduce the incidence of teen pregnancies and out of wedlock pregnancies; and assist families and individuals in their achievement to self-sufficiency.

In administering and operating the program that provides Temporary Assistance for Needy Families with minor children under Title IV-A of the Social Security Act, Guam will provide the following assurances:

1. Guam will continue to operate a child support enforcement program under the Guam Department of Law under the state plan approved under Part D of Title IV of the Social Security Act.
2. Guam will continue to operate Foster Care and Adoption Assistance programs in accordance with Part E, and ensure children receiving assistance are eligible for medical assistance;
3. Guam will assure local governments and private sector organizations:
 - a. have been consulted regarding the plan and design of welfare services in Guam so that services are provided in a manner appropriate to local populations; and
 - b. had at least 45 days to submit comments on the plan and the design of such services.
4. Guam will continue to enforce standards and procedures to ensure against program fraud and abuse, including standards and procedures concerning nepotism, conflicts of interest among individuals responsible for the administration and supervision of the TANF program, kickbacks, and the use of political patronage.
5. Guam will continue to identify and refer victims of domestic violence for counseling and supportive services. But Guam will not waive the U.S. citizenship and qualified alien requirements; and, family cap provisions.
6. Guam will make available to the public a summary of any plan submitted under this section.
7. Provide each member of an Indian Tribe, who is domiciled in the state and is not eligible for assistance under a Tribal Family Assistance plan approved under Section

412, with equitable access to assistance under the state program funded under this part attributable to funds provided by the federal government. Guam currently does not have any Indians in its TANF caseload.

8. Guam has established and is enforcing standards and procedures to ensure that applicants and potential applicants for TANF are notified of assistance made available on Guam to victims of sexual harassment and survivors of domestic violence, sexual assault, or stalking.
9. Guam will ensure that case workers and other agency personnel responsible for administering the TANF program are trained in: the nature and dynamics of sexual harassment and domestic violence, sexual assault, and stalking; state standards and procedures relating to the prevention of, and assistance for, individuals who are victims of sexual harassment or survivors of domestic violence, sexual assault, or stalking; and methods of ascertaining and ensuring the confidentiality of personal information and documentation related to applicants for assistance and their children who have provided notice about their experiences of sexual harassment, domestic violence, sexual assault, or stalking.
10. Guam adopted the Family Violence Option (optional certification) set forth in section 402(a)(7) to establish and enforce standards and procedures regarding the screening for, and identification of, domestic violence, sexual assault, or stalking, it must provide information about the options available to current and potential beneficiaries and ensure that case workers and other agency personnel are provided with training regarding relevant state standards and procedures.

CERTIFIED BY THE GOVERNOR OF GUAM:

LOURDES LEON GUERRERO
Governor of Guam

Date